

Senate Bill No. 372

Passed the Senate August 16, 2006

Secretary of the Senate

Passed the Assembly August 10, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 35795 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, Margett. Vehicles: size, weight, and load: local authorities: issuance of variance permits.

Existing law imposes limits on the size, weight, and load of vehicles that may be operated on the highway and authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to issue permits to operate vehicles exceeding the specified size, weight, and load limits.

Existing law authorizes a local authority to charge a fee for the issuance of the specified permits, if the fee is established by ordinance or resolution after notice and hearing.

Existing law requires that special services necessitated by unusually large or heavy loads requiring engineering investigations, escorts, tree trimming, or other services be billed separately for each permit.

This bill would exclude from the list of special services that are required to be billed separately any services necessary to provide the notification required under these provisions and services that are within the scope of the local authority's ordinary duty to provide. This bill would also require a local authority, for the purposes of determining whether special services are necessitated by an unusually large or heavy load, to be governed by specific regulatory criteria adopted by the department for highways under its jurisdiction.

The people of the State of California do enact as follows:

SECTION 1. Section 35795 of the Vehicle Code is amended to read:

35795. (a) (1) The Department of Transportation may charge a fee for the issuance of permits pursuant to this article.

(2) The fee established by the Department of Transportation pursuant to this section shall be established by a regulation adopted pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, and shall be calculated to produce a total estimated revenue that is not more than the estimated total cost to that department for administering this article.

(3) Special services necessitated by unusually large or heavy loads requiring engineering investigations, or other services, may be billed separately for each permit.

(4) The funds collected by the Department of Transportation pursuant to this subdivision shall be deposited in the State Highway Account in the State Transportation Fund.

(b) (1) Local authorities may charge a fee for the issuance of permits pursuant to this article. However, the fee established by a local authority pursuant to this section shall be established by ordinance or resolution adopted after notice and hearing. The fee shall be calculated to produce a total estimated revenue that is not more than the estimated total cost incurred by the local authority in administering its authority under this article and shall not exceed the fee developed by the Department of Transportation pursuant to subdivision (a). The fee for the issuance of permits shall be developed in consultation with representatives of local government and the commercial trucking industry. Notice of the hearing shall be by publication as provided in Section 6064 of the Government Code. The hearing shall be held before the legislative body of the local authority. All objections shall be considered and interested parties shall be afforded an adequate opportunity to be heard in respect to their objections.

(2) Special services necessitated by unusually large or heavy loads requiring engineering investigations, escorts, tree trimming, or other services, excluding services necessary to provide the notification required under this section and services that are within the scope of the local authority's ordinary duty to provide, shall be billed separately for each permit.

(3) For purposes of determining whether, under paragraph (2), special services are necessitated by an unusually large or heavy load, a local authority shall be governed by the criteria set forth in subdivision (b) of Section 1411.3 of Title 21 of the California Code of Regulations.

(c) Nothing in this section shall limit or restrict the application of Section 35782.

Approved _____, 2006

Governor